

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

STATE OF OKLAHOMA

PLAINTIFF

VS. CASE NO. 05-CV-329-GSF(SAJ)

TYSON FOODS, INC, ET AL

DEFENDANTS

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DEPOSITION OF
RANDY YOUNG

Taken Thursday, October 2, 2008

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A P P E A R A N C E:

ON BEHALF OF THE PLAINTIFF:

RICHARD T. GARREN, ESQUIRE
RIGGS, ABNEY, NEAL, TURPEN, ORBISON
& LEWIS, P.C.
502 West Sixth Street
Tulsa, Oklahoma 74119-1010

LOUIS W. BULLOCK, ESQUIRE
BULLOCK, BULLOCK & BLAKEMORE
110 West Seventh Street, Suite 707
Tulsa, Oklahoma 74119

ON BEHALF OF THE DEFENDANTS:

TODD P. WALKER, ESQUIRE
FAEGRE AND BENSON
3200 Wells Fargo Center
1700 Lincoln Street
Denver, Colorado 80203



1 contamination.

2 Do you agree with that one?

3 MR. GEORGE: Same objection?

4 WITNESS: Again, that's why we need
5 the --

6 BY MR. GARREN:

7 Q That's why you were doing this stuff, wasn't
8 it?

9 A That's why we need to be writing nutrient
10 management plans -- to make sure that didn't happen.

11 Q And following best management practices would
12 be another area of attempt to protect the water
13 quality, would it not?

14 A Sure.

15 Q And then it says, "Improper land application of
16 manure with respect to runoff and surface water
17 sources."

18 That kind of falls into the same area we just
19 discussed with --

20 A Yes. Once you have a plan, you need to follow
21 it and the plan needs to have appropriate safeguards
22 like buffers and things like that.

23 Q Sitting here today, does Arkansas have
24 enforcement rights or penalties for those who do not
25 follow management plans?

1 A Yes.

2 Q And when did those enforcement provisions first
3 become enacted.

4 A Passed the law in 2003. We had a law that
5 provided a grace period for getting all the plans
6 written and it included the ability to have a
7 protect rate in case we couldn't get all the plans
8 written and those loop holes if you will were closed
9 January 1st of '07.

10 Q So, effective in January 1, '07 really was the
11 first time that Arkansas had the ability to bring
12 any kind of enforcement action for those not
13 following nutrient management plans. Is that a fair
14 statement?

15 MR. GEORGE: Object to the form.

16 WITNESS: Yes.

17 BY MR. GARREN:

18 Q Okay. So, prior to that did Arkansas -- let me
19 ask you this.

20 Was your agency the agency that has the
21 authority to bring enforcement action for violations
22 of nutrient management plans?

23 A Yes.

24 Q Prior to the January 2007 date, did your agency
25 have enforcement entitlements or regulations for